

HISTORIC DISTRICT COMMISSION
Meeting Minutes
July 14, 2014

CALL TO ORDER:

Mr. Mike Troutman, Chairperson called the meeting to order at 4:00 p.m.

ROLL CALL:

Members Present:	Dan Buscher	Bruce Phillips
	Jim Hopkins	Mike Troutman
	Kaytee Faris	Kim Tuck
	Eric Greene	Susan Baldwin, City Commission Liaison

Members Excused: None (All Present)

Staff Present: Marcel Stoetzel, Assistant City Attorney
Glenn Perian, Senior Planner, Planning Dept.
Leona Parrish, Admin. Assistant, Planning Dept.

ADDITIONS / DELETIONS TO AGENDA: None

APPROVAL OF PREVIOUS MINUTES: Correction was noted as Mr. Kim Tuck was not present and should have been noted as excused for the June 9, 2014 meeting.

MOTION MADE BY MR. BRUCE PHILLIPS TO APPROVE THE MINUTES FOR THE JUNE 9, 2014 HISTORIC DISTRICT COMMISSION MEETING WITH THE CORRECTION NOTED AS MR. KIM TUCK BEING EXCUSED AND NOT PRESENT, SECONDED BY MR. ERIC GREENE.

ALL IN FAVOR; NONE OPPOSED; MINUTES APPROVED

CORRESPONDENCE: Received at this meeting and handed-out a document from applicant at 243 Capital Avenue N.E. of a diagram of proposed utility shed and placement of said shed. Note also a copy of the 2013 Planning Department Annual Report was distributed to members for their FYI, no action is required.

OLD BUSINESS: None

NEW BUSINESS:

A) **200 Capital Avenue, N.E.** - *(Request from Dr. Gregory D. Dotson, for a "Notice to Proceed" to demolish detached garage.) TABLED from the June 9, 2014 Historic District Commission meeting in order to provide additional repair quotes.*

Mr. Glenn Perian noted the City Attorney's opinion stated the value should be for the structure and not the property value and that the exterior is only area to be considered and not the interior for Historic District Commission approval.

Dr. Dotson was present to speak regarding his request for a Notice to Proceed to demolish his detached garage. Stated he has submitted two bids for demolition and that the second one is more in line with the cost and that he had a person call him today that had an interest in his property Mr. David Nielsen, Heritage of Battle Creek Kimball House who is also here in attendance today.

Mr. David Nielsen, V.P. & Board Member of Heritage of Battle Creek, Kimball House Museum, stated they are adjacent property owners and are interested in the preservation of Dr. Dotson's carriage house/garage and want to use all or a part of this home as well as the carriage house. Stated they are working collaboratively with a number of non-profits to talk about its use for this property and are asking for an opportunity to meet with the other organizations and Dr. Dotson regarding not purchasing but leasing all or a part of this property from him.

Mr. Jim Hopkins asked Mr. Don Wilkinson, City Building Inspector, if the structure is safe and would last a few more months and what did he feel was the biggest structural issue. Mr. Wilkinson stated he believes it would be good until the first snow fall possibly and that entire roof structure and the rear wall needs repairs and is not secure; noted this building is currently in the Dangerous Building / Housing Board of Appeals and Court process.

Mr. Jim Hopkins asked if the foundation could be stabilized. Mr. Wilkinson stated the foundation is not the issue, it is the walls and roof, everything above the foundation.

Mr. Mike Troutman asked Mr. Glenn Perian, Senior Planner how long can they wait on this building and if the Hazardous Ordinance trump the Historic District Commission. Mr. Glenn Perian stated he was not sure and he would defer that question to our city attorney. Mr. Marcel Stoetzel stated there are two processes the Dangerous Building process is rolling and this is the homeowner is requesting demolition through the Historic District Commission and what he is hearing today is the homeowner is requesting to stop at this time, which has already been tabled. Said they do go hand in hand because it is within the Historic District Commission's purview to issue that Notice to Proceed; which is before you today to decide and has already had a 30-day extension.

Mr. Don Wilkinson, Building Inspector stated this property has been in the Housing Board of Appeals process for almost one-year, since August of 2013.

Mr. Buscher asked staff if the property owner had to notify his neighbors regarding his request for demolition. Mr. Perian stated no not that he was aware.

Mr. Kim Tuck stated that what the Building Inspector, Don Wilkinson was referring to was the Dangerous Building process and not the Historic District review process.

Mr. Marcel Stoetzel read Section 1470.09(j) which states "Failure of the Historic District Commission to approve or disapprove an application for a Certificate of Appropriateness or written modification thereto as provided for in section within 60-days from the date such application or modification are filed with the commission unless an extension is agreed upon in writing by the applicant and the commission shall be deemed to constitute approval". Mr. Stoetzel asked if there were any questions.

Mr. Dan Buscher asked Dr. Dotson if he was opposed to a re-extension. Dr. Dotson stated it would be fine and not be a burden to wait as he has until September 1st from the courts system and would agree with an extension seeing he just receive a call from another interested party and the cost for the roof would be feasible and need to find out the cost for repair of rear wall.

Mr. Dan Buscher asked if the statute stated how long the extension may be. Mr. Stoetzel stated it did not specify the length of the extension.

Mr. Bruce Phillips asked if the court procedure will move forward whatever decision they make. Mr. Marcel Stoetzel stated he believes it will move forward. Mr. Don Wilkinson, Building Inspector stated Dr. Dotson has a September 1st deadline and then fines will or can be applied.

Mr. Dan Buscher stated if there is a potential sale currently the judge would not force fines. Mr. Bruce Phillips asked if there was a potential buyer. Dr. Dotson stated it is not for sure.

Mr. Bruce Phillips asked Mr. David Nielsen if it was his intent to talk with his board members to see if there is some grant monies to acquire a lease for the garage and make the repairs. Mr. Nielsen stated yes, along with other non-profits within the community for use of all or a part of the house and the garage.

Mr. Bruce Phillips stated there is a mortgage on the house and they would need to work something out with that mortgage company for the improvements and that it would be a benefit to them as the property has an easement to their property; therefore he is in favor of extending to see if they can figure out something financially.

Mr. Eric Greene asked Dr. Dotson if this was something he wants to pursue. Dr. Dotson stated yes he is in agreement in order to preserve this building as they purchased it in the 90's and have fixed the house up itself and did not have the funds to do the garage repairs.

Mr. Don Wilkinson asked Mr. Nielsen when the board would be meeting next to make a decision to insure this is taken care of before winter. Mr. Nielsen stated their board will meet next week beyond to K.C.C. and within one-month would know yes or no.

With no others wishing to speak, Chairperson, Mr. Troutman asked commissioners for any action to be taken.

MOTION WAS MADE BY MR. BRUCE PHILLIPS TO EXTEND THE TIMELINE ON THIS REQUEST 45-DAYS FOR THE NOTICE TO PROCEED TO DEMOLISH GARAGE TO ALLOW TIME FOR HERITAGE AND NON-PROFITS TO AGREE TO LEASE PROPERTY AND DO REPAIRS; AND TO DENY THE REQUEST FOR DEMOLITION AT THIS TIME FOR PROPERTY LOCATED AT 200 CAPITAL AVENUE, N.E.; SECONDED BY MR. KIM TUCK.

Discussion:

Mr. Dan Buscher stated that Mr. Stoetzel stated if the landowner complies with all the requirements that they have to issue it unless there is an agreement with the landowner; so are they going to table this again today. Chairman Troutman stated the motion was to deny. Mr. Phillips stated it was to extend with the agreement and deny the demolition.

Mr. Marcel Stoetzel stated the motion was inconsistent action. Mr. Bruce Phillips said he would restate his original motion:

MOTION WAS RESTATED BY MR. BRUCE PHILLIPS TO EXTEND THE OPPORTUNITY TO THE HOMEOWNER AND TO HERITAGE TO AGREE ON A TRANSACTION THAT IS WORKABLE FOR 45 MORE DAYS FOR PROPERTY LOCATED AT 200 CAPITAL AVENUE, N.E.; SECONDED BY MR. KIM TUCK.

Noted a point of order: Mr. Marcel Stoetzel stated that any extension must be in writing between the commission and the homeowner (applicant) agreeing to the 45-day extension. Mr. Perian stated he would prepare and Dr. Dotson said he was in agreement to sign.

Mr. Kim Tuck asked regarding HDC having 60-days to approve or deny. Mr. Stoetzel stated the 45-day extension would set the 60-days aside.

Mr. Buscher stated he did not believe they could include Heritage in the motion for the extension; as it needs to be between the Historic District Commission and land owner. Mr. Phillips stated they could leave Heritage out of the motion.

MOTION WAS RESTATED BY MR. BRUCE PHILLIPS TO APPROVE A 45 DAY EXTENSION TO ALLOW OPPORTUNITY TO THE HOMEOWNER TO AGREE ON A TRANSACTION THAT IS WORKABLE FOR PROPERTY LOCATED AT 200 CAPITAL AVENUE, N.E.; SECONDED BY MR. KIM TUCK.

ALL IN FAVOR; NONE OPPOSED; MOTION APPROVED

B. 32 W. Michigan Avenue – *(Certificate of Appropriateness to replace windows & storefront; remove asbestos panel on front façade, install IPE wood panel on front façade (partial) to cover damaged brick and holes from sign mounts, damaged stone sill & area where asbestos panel has been removed; back façade – reinstall windows & add door.)*

Mr. Matt Bastos, Architect, said he was here today representing future owner Tara Hampton. Stated the main tenant in the building which will be Battle Creek Community Foundation, Annette Chapman is present also. Mr. Bastos said they are requesting façade changes regarding the wooden panel as it has been decaying after years of wear and the asbestos panels and grout need to be removed before new owner takes possession. Stated the building was built in the early 1950's and want to give the building a presence on Michigan Avenue; discussed the new design, signage, replacement of glass panels and rear renovations. Stated they would like to open up the back windows and connect front and back openings to go through the building. Noted the replacement panels are not intrusive and attaches to the brick and can be removed without damaging the brick.

Mr. Mike Troutman asked if there was a canopy. Mr. Bastos stated, yes the canopy is an aluminum sun/shade canopy that goes up and down and will project out two-feet in the front and back.

Mr. Jim Hopkins stated he liked what they are doing with the building.

With no others wishing to speak, Chairperson, Mr. Troutman asked commissioners for any action to be taken.

MOTION WAS MADE BY MR. KIM TUCK TO APPROVE THE PROPOSED WORK BASED ON THE STANDARDS REFERENCED IN THE PLANNING STAFF RECOMMENDATIONS AS IT MEETS THE STANDARDS OUTLINED IN CHAPTER 1470.09 & 1470.17 OF THE HISTORIC DISTRICT COMMISSION ORDINANCE FOR PROPERTY LOCATED AT 32 W. MICHIGAN AVENUE; SECONDED BY MR. DAN BUSCHER.

Commissioner Susan Baldwin wanted to disclose that she was on their Board of Trustees for the Battle Creek Community Foundation.

ALL IN FAVOR; NONE OPPOSED; MOTION APPROVED

C. 243 Capital Avenue, N.E. - *(Certificate of Appropriateness to replace hand-rail of front south side entrance stairs, fix and replace cement porch and entrance with outdoor tile and erect a 12 x 16 utility shed on driveway.)*

Mr. Kam Chui, 243 Capital Ave., N.E., property owner came forward to speak. Stated he was planning to do the exterior repairs in the same style as the home and that the concrete was deteriorating and wants to put tile down for a better appearance and the handrail would have the same style as the other side with the same woodwork. Stated he has no garage for storage of lawn equipment and wants to build portable storage shed (provided a drawing) that would have vinyl siding and a corrugate roof in a color to match the house; plans to place it behind the house in the driveway. Said he plans to use the utility shed for snow blower, lawn and garden storage.

Mr. Mike Troutman asked Mr. Perian if the utility shed would require a permit. Mr. Perian stated yes and would need approval from Historic District Commission before a permit can be issued and would need to meet the building and zoning code requirements.

Mr. Eric Greene asked Mr. Perian if this drawing may be used for approval of a shed or would he need to see additional plans. Mr. Perian stated yes as far as for Planning and Zoning and he would recommend approval as it is consistent with what is currently in the neighborhood.

Mr. Jim Hopkins if the building plans needed to meet a preservation design. Mr. Perian stated the board has the ability to make that decision and that the shed diagram would serve its purpose.

MOTION WAS MADE BY MR. ERIC GREENE TO APPROVE A CERTIFICATE OF APPROPRIATENESS TO REPLACE HANDRAIL OF FRONT SOUTH SIDE ENTRANCE STAIRS, FIX AND REPLACE CEMENT PORCH AND ENTRANCE WITH OUTDOOR TILE AND ERECT A 12 X 16 UTILITY SHED ON DRIVEWAY AS SUBMITTED FOR PROPERTY LOCATED AT 243 CAPITAL AVENUE, N.E.; SECONDED BY MR. BRUCE PHILLIPS.

ALL IN FAVOR; NONE OPPOSED; MOTION APPROVED

D. 70 E. Michigan Avenue – *(Certificate of Appropriateness to install a 4 ft. x 6 ft. Banner Sign)*

Mr. Glenn Perian stated the applicant was not present and that as the photos show the banner sign has been installed. Stated we can approve or deny the request or have the applicant attend next meeting.

Ms. Susan Baldwin asked if Code has seen the area on the building above the door that appears to be decaying. Mr. Perian stated he was not aware.

Mr. Bruce Phillips stated the property is for sale.

Mr. Kim Tuck asked if Legal Services was still at this location, if not why had they not used their signage area. No, they have moved.

Ms. Kaytee Faris asked if this was a temporary sign or a permanent sign. Mr. Troutman stated yes it appears to be a temporary sign.

MOTION WAS MADE BY MR. BRUCE PHILLIPS TO APPROVE A CERTIFICATE OF APPROPRIATENESS TO INSTALL A 4 FT. X 6 FT. BANNER SIGN AS SUBMITTED FOR PROPERTY LOCATED AT 70 E. MICHIGAN AVENUE; SECONDED BY MR. JIM HOPKINS.

ALL IN FAVOR; NONE OPPOSED; MOTION APPROVED

PUBLIC COMMENTS: None

COMMENTS FROM COMMISSION MEMBERS AND STAFF:

Commissioner Susan Baldwin apologized for being late as she had car repairs needing addressed.

ADJOURNMENT:

Mr. Mike Troutman, Chair adjourned meeting at 4: 42 P.M.

Submitted by: Leona A. Parrish, Administrative Assistant, Planning Department